

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Civil Division**

CARMEN SANDBERG 3744 Bel Pre Road, #5 Silver Spring, MD 20906 Plaintiff, vs. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY 600 Fifth Street NW Washington, D.C. 20001 Defendant.	Case No: 20-168
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**DEFENDANT WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S
ANSWER TO PLAINTIFFS' COMPLAINT**

FIRST DEFENSE

The Complaint fails to state a cause of action against Defendant Washington Metropolitan Area Transit Authority (hereinafter, WMATA) upon which relief may be granted.

SECOND DEFENSE

In accordance with FED. R. CIV. P. 8(b)(3), this Defendant generally denies all the allegations in the Plaintiff's Complaint.

THIRD DEFENSE

If the Plaintiff as injured and damaged as alleged in the Complaint, such injuries and damages were caused by Plaintiff's sole or contributory negligence and/or assumption of the risk.

FOURTH DEFENSE

Plaintiff's claimed injuries and damages, as alleged in the Complaint, were the sole result of the intervening acts of a person or persons other than WMATA.

FIFTH DEFENSE

Plaintiff had the last clear chance to avoid the accident alleged in the Complaint, but failed to do so.

SIXTH DEFENSE

Plaintiff's claimed injuries and damages, as alleged in the Complaint, are not causally related to the incident which is the subject of this suit; and the claimed healthcare provider treatment and resultant expenses and other economic losses, as alleged in the Complaint, are/were neither reasonable nor necessary. Further, WMATA denies that Plaintiff has been injured and/or damaged to the extent alleged in the Complaint, and therefore demands strict proof thereof.

SEVENTH DEFENSE

All or some of Plaintiffs' claims may be barred by Defendant WMATA's governmental immunity under Section 80 of the WMATA Compact.

EIGHTH DEFENSE

Defendant WMATA intends to rely on all defenses available from the evidence at the time of any trial and expressly reserves its right to assert such defenses as the facts become known.

NINTH DEFENSE

WMATA is not subject to pre-judgment interest under applicable law.

TENTH DEFENSE

All actions performed by WMATA, and/or its employees, and/or servants, and/or agents, acting within the scope of their employment, met or exceeded the applicable standard(s) of care.

ELEVENTH DEFENSE

Plaintiff may have failed to mitigate her damages.

JURY DEMAND

Pursuant to FED. R. CIV. P. 38 (b)(1), Defendant WMATA demands a trial by jury of the above-captioned case.

WHEREFORE, having fully answered the Amended Complaint, Defendant WMATA requests this matter be dismissed and it be awarded the cost of responding to this suit.

Date: January 17, 2020

Respectfully submitted,

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY
By counsel

By: /s/ Donna L. Gaffney
Donna L. Gaffney, #16299
Office of the General Counsel
600 Fifth Street, N.W.
Washington, D.C. 20001
(202) 962-2721
(202) 962-2550 (fax)
dlgaffney@wmata.com

CERTIFICATE OF SERVICE

I certify that on this 17th day of January, 2020, a true and accurate copy of the foregoing was served on the undersigned counsel of record via first class U.S. mail:

Barry L. Leibowitz, Esq.
Joel Atlas Skirble & Associates
2730 University Blvd.
West Suite 616
Wheaton, MD 20902

/s Donna L. Gaffney
Donna L. Gaffney